

OFFICE OF THE FEDERAL PUBLIC DEFENDER
FOR THE NORTHERN DISTRICT OF NEW YORK



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August 27, 2024

Hon. David N. Hurd
United States District Court Judge
Alexander Pirnie Federal Building and U.S. Courthouse
10 Broad Street
Utica, NY 13501

**RE: UNITED STATES V. MARIO LESLIE
CASE NO. 5:24-CR -217 (DNH)**

Dear Judge Hurd:

I am writing to alert the Court as to what transpired at the Oneida County Jail on August 20, 2024, and the effect it should have in determining the sentence Mr. Leslie receives. On August 20, 2024, the Albany County Sheriff's Office and Oneida County Sheriff's Emergency Response Team conducted a facility wide sweep of the Onida County Correctional Facility. Although Mr. Leslie was cooperative, he was stripped searched and attacked from behind by unknown officers. He was punched in the head and back and suffered "significant right facial and eye swelling," jaw pain, pain behind the right ear and diminished hearing (see attached medical records and photographs). I was contacted by his family as well as other inmates (who were also beaten up). I was told by the family and other inmates that Mr. Leslie was in bad shape and needed to be taken to the hospital. I immediately contacted the marshal's office who arranged for medical care for Mr. Leslie the following day. On August 21, 2024, Mr. Leslie was transported to the hospital by ambulance and was still vomiting post assault. (See attached medical records and photograph). He is still in pain from the assault.

We would like this Court to consider the significant injuries Mr. Leslie received which constitute a continuing form of punishment. This barbaric beating at the hands of law enforcement amounts to cruel and unusual punishment and warrants a variance. This type of violent conduct against a defendant has in the past resulted in downward departures from the guidelines. See U.S. v. Clough, 360 F.3d 967 (9th Cir. 2004) (district court has discretion to downward depart in firearms case where he was shot by police during arrest because his “significant injuries” constitute a continuing form of punishment and factor not considered and not forbidden by the guidelines).

After the beating of some of the inmates, law enforcement took the opportunity for a photo-op for the press. To date, no one has been held accountable for the assaults on the inmates that occurred at the jail.

Thank you for your consideration in this important matter.

Very truly yours,

OFFICE OF THE FEDERAL PUBLIC DEFENDER

By:

s/Randi J. Bianco, Esq.
Supervisory Assistant Federal Public Defender

RJB:



Emergency Room/Direct Admit Referral

Name: <i>Leslie, Mario</i>	ID#: [REDACTED]	DOB: [REDACTED]
Date/Time: <i>8-21-24 1100</i>	Allergies: <i>UKA</i>	Gender: <i>male</i>

ALL INFORMATION ON THIS REPORT MUST BE SUBMITTED VIA ERMA Care Management.

Treatment Type: ☒ Emergency Room ☐ Direct Admission Hospital _____Transportation: ☐ Custody Car ☒ Ambulance ☐ Air Ambulance ☐ Bedside Booking ☐ BusIf ambulance, enter name of Ambulance Service: *COEVA C*Date of Admission: *8/21/24* Discharge Date: _____Chief Complaint/Diagnosis: *vomiting status post assault*

Reason for ER Visit: (Include date of onset, present treatment, history of injury or illness; include all x-rays and lab results with consultation)

assaulted yesterday, punched in head and back. Had xray at that time. Today he has significant right facial and eye swelling, ecchymosis. Clojure pain, neck pain, and pain behind right ear with diminished hearing. Difficulty looking to the right, also blurry vision and started vomiting today.

Current Medications: *see turbinatine 250 mg qday*Medication Allergies: ☐ None

B/P	Pulse	Resp	Temp	O2 Sat	Height	Weight	Blood Sugar
<i>167/97</i>	<i>64</i>	<i>16</i>	<i>98.2</i>	<i>99</i>	<i>5'9"</i>	<i>235lbs</i>	<i>N/A</i>

Nurse Signature/Title: *BDaly* Date/Time: *8/21/24 1120*

ER PHYSICIAN'S REPORT: Please attach actual Emergency Room evaluation and include treatment sheet upon release

Significant Findings, including tests done: _____

Diagnosis: _____

Orders/Recommendations: _____

ER Physician Signature: _____ Date/Time: _____

NOTE: PATIENTS PLAN ESCAPES! DO NOT inform patients of the date/time of revisits or impending hospitalizations!

Oneida County, NY
Oneida County, NY
6075 Judd Road
Oriskany, NY 13424

Progress Note



Patient Name	Patient Number	Booking Number	Birth Date	Date Of Service
MARIO LESLIE		2024-0779		8/23/2024

Patient Allergies:

Added 08/23/2024 08:16 PM EST by KPisarczyk Nurse Practitioner

This is a 32 year old MI who is called to medical today for evaluation for follow up from being in the infirmary for 24 hours as per IM stated he was assaulted during a search and stated he was being stripped and was attacked from behind and being hit in the face and cuffed him on Tues with No LOC.

Noticed today he has ecchymosis periorbital and subconjunctiva hematoma that appears to be mild to moderate improve. no swelling. Still has ecchymosis periorbital and subconjunctiva hematoma. He complained of right side neck and head pain yesterday and today denies pain. IM denies nausea, vomiting, dizziness, headaches. Stated he feels better. and is eating.

IM appears in no acute distress. Appears to mild argumentized of why he was in the infirmary and he is reassured it is strictly for medical observation

ROS> no other complaint or concerns

reinnervate Stated he has been having problems in both eyes since 2017

PE: General: NAD, vitals stable

Lung. NL clear, regular

CV; NL NSR, no murmur, elevated blood pressure

Skin: WDI

Eyes. see above; has referral in place for the ophthalmologist

Plan: retest eyes in two weeks by nursing staff

Noticed his blood pressure is elevated; he reports no history of blood pressure and on no medication. We will monitor BP BID for 7 and then reevaluate

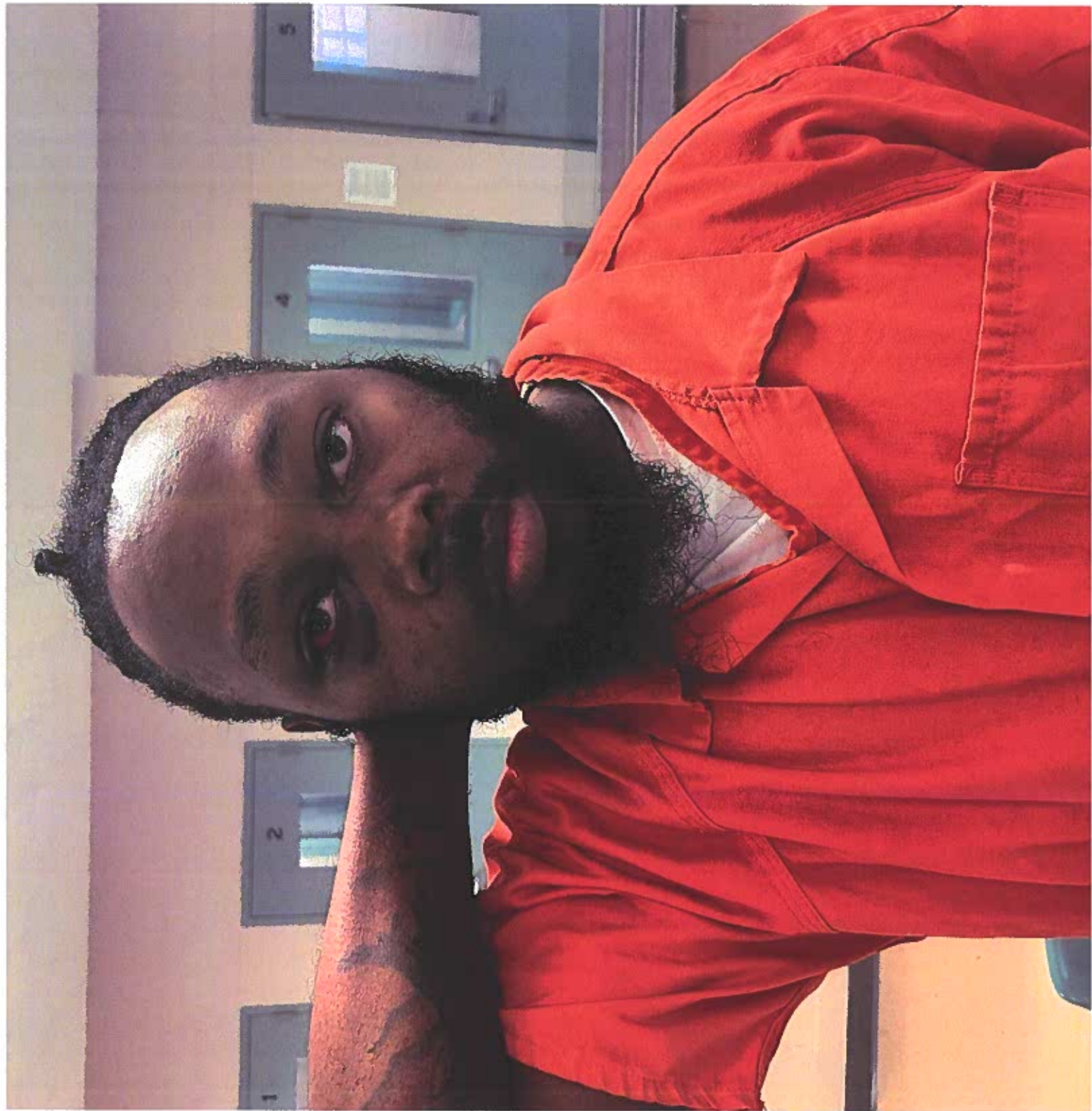
FU in two weeks

Form Folder and Number:
Chronic Care CC03.0

Form Owner: Forms
Committee

Accreditation:
All

Active / Last Revision
Date: 12/4/2019



4:55

5G

Photo

Done

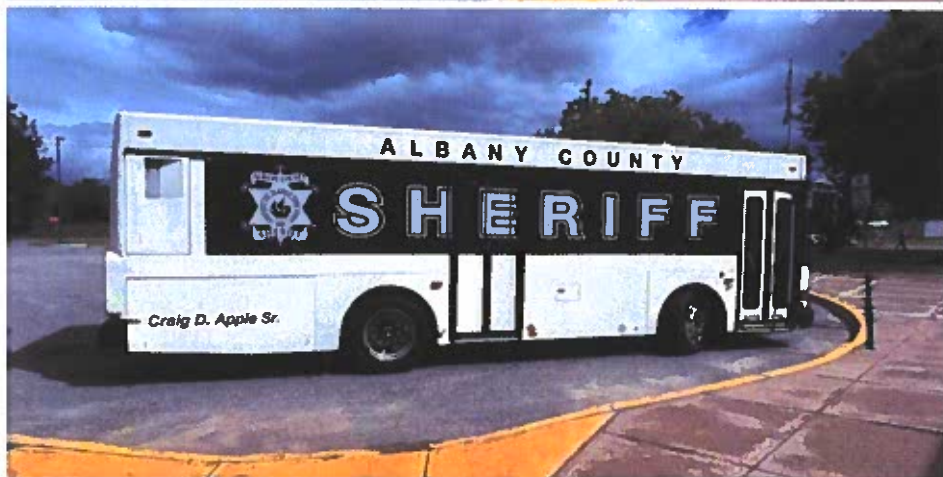
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Thank you to [Albany County](#) Sheriff Craig Apple and the members of his Emergency Response Team for assisting the Oneida County Sheriff's Emergency Response Team today with a facility wide sweep of the Oneida County Correctional Facility. With both teams working together, we were able to conduct a thorough and effective sweep along with getting the facility back to normal operations quickly.



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